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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,173	02/27/2004	Robert J. Lowles	PAT 53955-2 US	4903
26123 7590 12/13/2007 BORDEN LADNER GERVAIS LLP Anne Kinsman WORLD EXCHANGE PLAZA 100 QUEEN STREET SUITE 1100 OTTAWA, ON K1P 1J9 CANADA			EXAMINER MEHRPOUR, NAGHMEH	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 12/13/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/787,173

Applicant(s)

LOWLES, ROBERT J.

Examiner

Naghmeh Mehrpour

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-14 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 6-14, 17-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. **Claims 21, 22**, are rejected under 35 U.S.C. 102(a) as being anticipated by Christal (DE 10134830 A1).

As to claim 21, Christal discloses:

A peripheral device (3) for wireless communication with a mobile device (2) (FIG 2C), the peripheral device including:

a battery for receiving and storing a charge (paragraph 30; FIG 1C, 2B, 2C); and

a charging contact for providing a charge to the battery when placed in direct electrical contact with a charging port of a mobile device so as to permit the mobile to charge the battery in the peripheral device (paragraphs 14, 30; FIG 1C, 2B, 2C).

As to claim 22, Christal discloses everything as applied in claims 1 and 21 and Christal also discloses:

the mobile device is a cellular phone and the peripheral device is a wireless headset for interaction with the mobile phone (FIG 2A; paragraphs 32-33).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-2, 6-9, 11-14, 17-20, 23,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Christal (DE 10134830 A1) in further view of Kim (KR 2002041098A).

As to claim 1, Christal discloses:

A holster (FIG 2A, 11, 8) for receiving and retaining a mobile device (2) in a sleeve (9, 8) and a peripheral device (3), the holster comprising:

a sleeve for retaining the mobile device (paragraph 4)

, a mating structure (2B, 2C) for releasably retaining the peripheral device such that a charging contact of the peripheral device (paragraph 14) is in direct physical and (19) electrical contact with the mobile device retained in the sleeve (paragraphs 10, 28, and 32-33), the holster being capable of accommodating the charging contact extending from the peripheral device (FIG 2B, 2C; paragraphs 32-33). Christal also discloses the charging contacts for the headset provides a charge to the headset when placed the holster (paragraph 31). Christal also discloses when charging, the headset is in direct electrical contact with the mobile device (paragraphs 31, 33). However, Christal fails to

disclose to permit the mobile device to charge a battery in the peripheral device through a charging contact extending from the peripheral device. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Kim. In an analogous art, Kim discloses an apparatus and a method to charge a battery of a wireless headset by a battery of a portable phone without using a charger of the headset (purpose - human translation, paragraph 1). Kim also discloses the cordless headset battery (40) can be charge through the connector (30) with the cellular-phone battery part (20) (paragraph 14, Fig 2). Kim also discloses the connector (30) attaches the cellular phone and cordless headset (paragraph 14, FIG 2), reading on claimed "to permit the mobile device to charge a battery in the peripheral device through a charging contact extending from the peripheral device." Therefore, it would have been obvious to one of ordinary skill in the art at the time o.f invention to require the holster, mobile device, and peripheral device, all disclosed by Christal, to permit the mobile device to charge a battery in the peripheral device through a charging contact extending from the peripheral device, as taught by Kim, to enable the peripheral device to be charged when accompanied with a mobile device.

As to claims 2, 23, Christal and Kim teach everything as applied in claim 1 and Christal also discloses: the holster mating structure connects with the peripheral device mating structure to releasably retain the peripheral device so that a charging port of the mobile device is in direct physical and electrical contact with the charging contact of the peripheral device to allow the mobile device to charge the battery in the peripheral

device (FIG. 2A-2C).

As to claim 6, Christal and Kim teach everything as applied in claims 1-2 and Christal also discloses:

a base for supporting the mobile device in the sleeve, the base having a aperture for receiving the charging contact and allowing it to make electrical contact with the charging port (FIG 1A, 2A).

As to claim 7, Christal and Kim teach everything as applied in claim 1 and Christal also discloses:

the holster mating structure is selected from the group consisting of a retaining bracket, a magnet, a tab, a latch, a flange, a hook, a clamp, a friction fit, and a tongue and groove (FIG. 1A, 2A).

As to claim 8, Christal and Kim teach everything as applied in claim 1 and Christal also discloses:

the mobile device is a cellular phone and the peripheral device is a wireless headset for interaction with the mobile phone (FIG 2A; paragraphs 32-33).

As to claim 9, Christal and Kim teach everything as applied in claim 1 and Christal also discloses:

the mobile device communicates with peripheral device on a Bluetooth communication

channel (paragraph 30).

As to claim 11, Christal discloses:

A holster (FIG 2A, 11, 8) for receiving and retaining both a peripheral device (3) and a mobile device (2), the mobile device being retained in a sleeve (9, 8), the holster comprising:

a mating structure (2B, 2C) for releasably retaining the peripheral device in direct (19) electrical contact with the mobile device when retained in the sleeve (paragraphs 10, 28, and 32-33). Christal also discloses the charging contacts for the headset provides a charge to the headset when placed the holster (paragraph 31). Christal also discloses when charging, the headset is in direct electrical contact with the mobile device (paragraphs 31, 33). However, Christal fails to disclose to permit the mobile device to charge a battery in the peripheral device. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Kim. Kim discloses an apparatus and a method to charge a battery of a wireless headset by a battery of a portable phone without using a charger of the headset (purpose - human translation, paragraph 1). Kim also discloses the cordless headset battery (40) can be charge through the connector (30) with the cellular-phone battery part (20) (paragraph 14, Fig 2). Kim also discloses the connector (30) attaches the cellular phone and cordless headset (paragraph 14, FIG 2), reading on claimed "to permit the mobile device to charge a battery in the peripheral device. "Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the holster, mobile device,

and peripheral device, all disclosed by Christal, to permit the mobile device to charge a battery in the peripheral device through a charging contact extending from the peripheral device, as taught by Kim, to enable the peripheral device to be charged when accompanied with a mobile device.

As to claim 12, Christal discloses:

A system (FIG 1A, 2A) for mobile communications comprising:

a mobile device (2) for connecting to a network and providing voice services having a charging port (FIG 2C, paragraph 29);

a peripheral device (3) for wireless communication with the mobile device, the peripheral device having both a battery and a charging contact (paragraph 30); and a holster (11,8) for receiving and retaining both the peripheral device and the mobile device so that the charging port and charging contact are in direct electrical contact (FIG 1A, 2A, 2C; paragraphs 28, and 32-33). Christal also discloses the charging contacts for the headset provides a charge to the headset when placed the holster (paragraph 31). Christal also discloses when charging, the headset is in direct electrical contact with the mobile device (paragraphs 31, 33). However, Christal fails to disclose to allow the mobile device to charge the battery in the peripheral device. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Kim. Kim discloses an apparatus and a method to charge a battery of a wireless headset by a battery of a portable phone without using a charger of the headset (purpose - human translation, paragraph 1). Kim also discloses the cordless headset

battery (40) can be charge through the connector (30) with the cellular-phone battery part (20) (paragraph 14, Fig 2). Kim also discloses the connector (30) attaches the cellular phone and cordless headset (paragraph 14, FIG 2), reading on claimed "to permit the mobile device to charge the battery in the peripheral device." Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the system, disclosed by Christal, to permit the mobile device to charge a battery in the peripheral device through a charging contact extending from the peripheral device, as taught by Kim, to enable the peripheral device to be charged when accompanied with a mobile device.

As to claim 13, Christal and Kim teach everything as applied in claim 12 and Christal also discloses:

the holster includes a sleeve for releasably retaining the mobile device (FIG 1A).

As to claim 14, Christal and Kim teach everything as applied in claim 12 and Christal also discloses:

the holster includes a mating structure for electrically connecting the charging contact and the charging port when both the mobile device and the peripheral device are retained in the holster (FIG. 2B-2C).

As to claim 17, Christal and Kim teach everything as applied in claims 1 and 12 and Christal also discloses: **mobile device** includes a controller for regulating charging

(paragraphs 28, 32-33).

As to claim 18, Christal and Kim teach everything as applied in claims 12-13 and

Christal also discloses:

the holster further includes a base for supporting the mobile device in the sleeve, the base having an aperture for receiving the charging contact and the allowing it to make electrical contact with the charging port (FIG 1A, 2A).

As to claim 19, Christal and Kim teach everything as applied in claims 12 and 14 and

Christal also discloses:

the mating structure is selected from the group consisting of a retaining bracket, a magnet, a tab, a latch, a flange, a hook, a clamp, a friction fit, and a tongue and groove (FIG. 1 A, 2A).

As to claim 20, Christal and Kim teach everything as applied in claim 1 and Christal also discloses:

the mobile device is a cellular phone and the peripheral device is selected from a group including a wireless headset for interaction with the cellular phone, a wireless headset for interaction with the cellular phone over a Bluetooth communication channel, and a camera for interaction with the mobile phone (FIG 1A, 2A).

3. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Christal and Kim as applied to claim 1 above, and further in view of Grivas et al (U.S. 2004/0116161 A1).

As to claim 10, Christal and Kim everything as applied in claim 1; however, neither Christal nor Kim teaches the peripheral device is a Camera for interaction with the mobile device. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Grivas. In an analogous art, Grivas teaches an accessory 111, such as a camera, coupled to and may be powered from the wireless communication unit's battery (paragraph 12; Figure 1). Grivas also teaches the controller may also be coupled via a port 224, such as a USB, serial, parallel, or the like port, to an accessory device as well as accessory power supply 225 that is powered from the battery 211 where the controller again controls whether current is provided or when current into the supply is interrupted (paragraph 17), reading on claimed "the peripheral device is a camera for interaction with the mobile device." Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the holster, mobile device, and peripheral device, taught by Christal and Kim, the peripheral device is a camera for interaction with the mobile device, as taught by Grivas, in order for the mobile user to utilize a camera without undue battery consumption of the mobile device while still providing operating power to the camera for appropriate system performance.

Response to Arguments

4. Applicant's arguments filed 11/21/07 have been fully considered but they are not persuasive.

In response to the applicant's argument that "*Christal and Kim fails to teach a mating structure for reasonably retaining the peripheral device in direct electrical contact with the mobile device when retained in the sleeve so as to permit the mobile to charge a battery in the peripheral*" and the features of the present application (such as direct physical contact) does not thought by the references. "

The Examiner asserts that Christal teaches a holder device has a rechargeable battery for each of the mobile telephone and cordless microphone headset unit and an intermediate part (1) that electrically connects the mobile telephone and cordless microphone headset unit in order to enable the batteries to be recharged by a charger. The intermediate part has a common pouch for the mobile telephone and cordless microphone headset unit, and Kim teaches connector(30) connects a wireless head set battery(40) to a portable phone battery(20). The connector(30) includes a cable having a jack. The portable phone battery(20) charges the wireless head set battery(40). A voltage detector(24) detects a voltage of the wireless head set battery(40) and a voltage of the portable phone battery(20). A microprocessor (22) controls a charge circuit(26) based on the voltages of the wireless head set battery(40) and the portable

phone battery(20) detected by the voltage detector(24). The charge circuit(26) charges the wireless head set battery(40) according to a control of the microprocessor(22). The Examiner contends this feature was old and well known in the art at the time of invention as taught by Kim. Kim discloses an apparatus and a method to charge a battery of a wireless headset by a battery of a portable phone without using a charger of the headset (purpose - human translation, paragraph 1). Kim also discloses the cordless headset battery (40) can be charge through the connector (30) with the cellular-phone battery part (20) (paragraph 14, Fig 2). Kim also discloses the connector (30) attaches the cellular phone and cordless headset (paragraph 14, FIG 2), reading on claimed "to permit the mobile device to charge the battery in the peripheral device." Therefore, to require the system, disclosed by Christal, to permit the mobile device to charge a battery in the peripheral device through a charging contact extending from the peripheral device, as taught by Kim, to enable the peripheral device to be charged when accompanied with a mobile device.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, The Examiner

asserts that Christal teaches a holder device has a rechargeable battery for each of the mobile telephone and cordless microphone headset unit and an intermediate part (1) that electrically connects the mobile telephone and cordless microphone headset unit in order to enable the batteries to be recharged by a charger. The intermediate part has a common pouch for the mobile telephone and cordless microphone headset unit, and Kim teaches connector(30) connects a wireless head set battery(40) to a portable phone battery(20). The connector(30) includes a cable having a jack. The portable phone battery(20) charges the wireless head set battery(40). A voltage detector(24) detects a voltage of the wireless head set battery(40) and a voltage of the portable phone battery(20). A microprocessor(22) controls a charge circuit(26) based on the voltages of the wireless head set battery(40) and the portable phone battery(20) detected by the voltage detector(24). The charge circuit(26) charges the wireless head set battery(40) according to a control of the microprocessor(22). The Examiner contends this feature was old and well known in the art at the time of invention as taught by Kim. Kim discloses an apparatus and a method to charge a battery of a wireless headset by a battery of a portable phone without using a charger of the headset (purpose - human translation, paragraph 1). Kim also discloses the cordless headset battery (40) can be charge through the connector (30) with the cellular-phone battery part (20) (paragraph 14, Fig 2). Kim also discloses the connector (30) attaches the cellular phone and cordless headset (paragraph 14, FIG 2), reading on claimed "to permit the mobile device to charge the battery in the peripheral device." Therefore, to require the system, disclosed by Christal, to permit the mobile device to charge a

battery in the peripheral device through a charging contact extending from the peripheral device, as taught by Kim, to enable the peripheral device to be charged when accompanied with a mobile device.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah be reached (571) 272-7904.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

December 4th 2007

